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Compilation on the Bahamas

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that the Bahamas should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.[3]

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Bahamas, inter alia, accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.[4]

4. The Special Rapporteur on trafficking in persons, especially women and children recommended that the Bahamas ratify, without delay, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[5] The ILO Committee of Experts on the Application of Conventions and Recommendations requested that the Government prohibit the use, procurement or offer of a child for the production of pornography or for pornographic performances and adopt sufficiently effective and dissuasive penalties.[6]

5. The Special Rapporteur on trafficking recommended that the Bahamas establish, with countries of origin and countries of destination, bilateral and multilateral agreements for the exchange of information, mutual legal assistance and safe returns in order to tackle jointly the root causes of trafficking in persons in the region.[7]

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III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination[5]

6. UNESCO indicated that, on 7 June 2016, a referendum was organized on the adoption of four constitutional amendment bills. Three of the bills sought to achieve the equal treatment of women and men in the acquisition of citizenship by their children and their spouses. The fourth bill sought to amend the constitutional provision defining the expression "discriminatory" by including the word "sex" in the definition. UNESCO asserted that the amendment bills had been rejected by the Bahamian population.[6]

7. The ILO Committee of Experts requested that the Government take steps to amend section 6 of the Employment Act, 2001, in order to give full legislative expression to the principle of equal remuneration for men and women for work of equal value. In that regard, the Committee requested that the Government ensure that its legislation allowed for the comparison not only of jobs in the same establishment requiring substantially the same skills, effort and responsibilities performed under similar working conditions, but also of work of an entirely different nature that is, nevertheless, of equal value, and provided for a broad definition of "remuneration" as set out in article 1 (a) of the ILO Equal Remuneration Convention, 1951 (No. 100).[10]

B. Civil and political rights

1. Right to life, liberty and security of person[11]

8. UNHCR noted with concern the current practice of systematically detaining all those intercepted at sea who had an irregular migratory status, including asylum seekers. It underscored that access to legal representation remained rare for asylum seekers and refugees in detention. Access by UNHCR to asylum seekers and refugees in detention had improved at the beginning of 2017 after consultations with the Ministry of Foreign Affairs and Immigration.[12]

9. UNHCR encouraged the Government to pursue alternatives to detention for asylum seekers and refugees to ensure that any restriction on their freedom of movement was applied only under circumstances in which it was necessary, reasonable and proportionate to the legitimate purpose achieved and justified by international law, and that the detention of any person in need of international protection was neither arbitrary nor indefinite.[13]

10. UNESCO indicated that the Broadcasting Act had established the Broadcasting Corporation of the Bahamas, which was governed by five members appointed by the Governor-General, and that the licensing of other television operators had been assigned to the Television Regulatory Authority under the Television Regulatory Authority Act. The Authority would consist of between five and seven members appointed by the Governor-General. According to section 3 of the Act, two of the appointments would be made after consultation with the leader of the opposition.[14] UNESCO recommended that the Bahamas consider strengthening the independence of broadcast licensing in accordance with international standards.[15]

2. Administration of justice, including impunity, and the rule of law[16]

11. The ILO Committee of Experts requested that the Government take the necessary measures, including legislative ones, to ensure that prison guards could fully enjoy the rights and guarantees set out in the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).[17]

3. Fundamental freedoms and the right to participate in public and political life[15]

12. UNESCO indicated that, in 2016, the Government had officially launched the Freedom of Information Bill. Since 2012, when the bill was introduced for the first time into the House of Assembly, there had been multiple delays preventing its enactment and implementation.[19] UNESCO recommended that the Bahamas continue to pursue the drafting and adoption of legislation concerning freedom of information, in accordance with international standards.[20]

13. UNESCO stated that the Constitution guaranteed freedom of expression.[21] UNESCO underscored that defamation remained criminalized under a restrictive two-tier structure with both "negligent" and "intentional" defamation considered punishable by imprisonment under article 315 of the Penal Code.[22] UNESCO recommended that the Bahamas decriminalize defamation and place it within a civil code, in accordance with international standards.[23]

14. UNHCR recommended that the Government, inter alia: pursue alternatives to detention for migration management and establish legal and procedural safeguards to ensure that asylum seekers, victims of human trafficking, minors and other vulnerable individuals on the move were not subjected to arbitrary or indefinite detention; and ensure that detention of asylum seekers and refugees, in particular, was only used as a last resort and when justified under international law.[24]

4. Prohibition of all forms of slavery[25]

15. The Special Rapporteur on trafficking asserted that the Bahamas was a transit and destination country for trafficked persons from the Caribbean region and from Central and South America.[26] She stated that the form of trafficking that had been identified in the Bahamas was for commercial sexual exploitation and that trafficking for labour exploitation was thought to be occurring in the construction, agriculture, fishing and domestic work sectors.[27]

16. The Special Rapporteur underscored that the root causes of trafficking included poverty and a lack of economic opportunities in source countries, and also the high demand, on the part of middle- to high-income households, for cheap domestic work and commercial sexual services.[28]

17. The Special Rapporteur underscored the national framework, including the Trafficking in Persons (Prevention and Suppression) Act, 2008, which established criminal offences for trafficking in persons, and other relevant legislation, such as the Sexual Offences and Domestic Violence Act, 2006, which criminalized rape and the forced detention of an individual for sexual purposes.[29]

18. The Special Rapporteur indicated that the Sexual Offences and Domestic Violence Act, 2006 criminalized prostitution, an offence punishable by imprisonment for up to eight years, and asserted that States had a responsibility to apply due diligence and ensure that the prohibition of prostitution did not lead to the revictimization of those trafficked for the purpose of commercial sexual exploitation.[30]

19. The Special Rapporteur considered that, although guidelines for the prevention, suppression and punishment of trafficking in persons were developed in 2012, there were neither measures nor indicators in place to evaluate their implementation and impact.[31] She recommended that the Bahamas, inter alia: specifically outline and harmonize identification protocols using the Government's guidelines to combat trafficking in persons; develop a range of "red flags" and indicators to be used while screening vulnerable persons and undocumented migrants; establish a national referral mechanism whereby anyone could, even anonymously, report potential victims; raise awareness about the distinction between cases of trafficking and irregular migration; and provide comprehensive training programmes on effective reporting on trafficking in persons for all stakeholders.[32]

20. As regards the institutional framework, the Special Rapporteur on trafficking noted that, although the establishment of a dedicated task force was a positive step, it needed an institutionalized mandate, an allocated budget, a workplan with clear goals and indicators to measure output, as well as a dedicated secretariat with trained professionals to efficiently

carry out its mandate. Moreover, the Special Rapporteur noted that the engagement with civil society needed to be strengthened and widened.[13]

21. The Special Rapporteur underscored that capacity-building through training on the identification of victims of trafficking was important, and that identification protocols should be mainstreamed across the institutions that came into contact with the potential victims. The Government should also establish a harmonized data-collection system, whereby incidences of trafficking were recorded, in order to identify the trend, scope and manifestations of trafficking and enhance identification, and design informed anti-trafficking responses.[14] She recommended that the Bahamas establish a systematized and harmonized data-collection system on human trafficking and create in law, in order to enhance coordination and efforts to combat trafficking, the office of an independent national rapporteur or an equivalent mechanism with the responsibility to implement, monitor and evaluate activities aimed at combating human trafficking.[15]

22. The Special Rapporteur asserted that, despite the recent positive developments, the prosecution rate remained relatively low, considering that the Trafficking in Persons (Prevention and Suppression) Act had been enacted in 2008. That emphasized the need for the Government to strengthen capacities for the identification of victims and also strengthen the activities of prosecutors in charge of confirming the status of such victims. She noted that mandating the prosecutors alone to determine the status of victims might not be in the best interest of victims and asserted that social workers needed to be involved during the very first stages of identification so as to guarantee victims access to appropriate assistance.[16]

23. The Special Rapporteur recommended, with respect to prosecution, that the Bahamas improve the justice delivery system to ensure speedy adjudication of cases of trafficking, while guaranteeing the right to a fair trial in accordance with a human rights-based approach to criminal justice responses, and ensure that in such cases, victim/witness protection before, during and after the trial was duly implemented to avoid reprisals.[17]

24. The Special Rapporteur considered that the Bahamas had not made a comprehensive assessment of the trends and scope of trafficking, and victims were rarely identified or referred to assistance programmes. The restrictive immigration policy and consequent rapid deportation of migrants might lead to the arrest, detention and deportation of potential victims of trafficking without providing an opportunity to identify them and offer assistance. The Special Rapporteur's fears were heightened by the fact that there was a capacity gap in terms of the ability of the Bahamas to quickly and accurately identify victims of trafficking.[18]

25. The Special Rapporteur recommended that the Bahamas, inter alia: carry out a national baseline study in collaboration with an independent research institute, bilateral partners and civil society to document the scope and trends of trafficking at the national level; and finalize and rapidly adopt the national action plan to combat trafficking in persons based on a human rights and victim-centred approach, setting out clear objectives, responsibilities and indicators to measure progress, and allocate a dedicated budget for its implementation.[19]

26. The ILO Committee of Experts urged the Government to take immediate action in order to give effect to the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), in particular regarding the sale and trafficking of children under 18 years for labour exploitation, and to adopt sufficiently effective and dissuasive penalties.[20]

27. The Special Rapporteur on trafficking underscored the development of a multisectoral approach to provide assistance and remedies to victims, but asserted that comprehensive assistance for victims remained at a preliminary stage.[21] While she acknowledged the efforts that had been made to develop a plan to assist victims of trafficking, she noted that the guidelines remained general, and recommended, inter alia, that the Government: define a set of specific actions to be taken by each stakeholder in order to fulfil the duties that they were assigned within the framework of the victim assistance programme; protect and assist all victims of trafficking, including child victims, with full respect for their human rights, and integrate a human rights-based approach in the investigation of cases of trafficking; ensure that the free *24-hour hotline* was accessible in

the languages that might be the only ones that potential victims spoke; and provide adequate and regular funding to service providers and organizations working on trafficking in persons, in order to enable comprehensive assistance.[42]

28. The Special Rapporteur stated that, while the Government had made efforts to raise awareness, prevention was still at an early stage. The general population and civil society remained unaware of both the issue of trafficking and the action taken by the Government to combat and prevent it.[43]

29. The Special Rapporteur recommended that the Government, inter alia: step up efforts to raise awareness about all forms of trafficking in persons, including for domestic servitude, forced labour and sexual exploitation; translate its efforts into concrete actions and conduct surveys to assess the impact of the awareness-raising campaigns, which should be extended to the whole country; empower non-governmental organizations, including through increased interaction and the provision of funds, to conduct sensitization on trafficking and to handle complaints related to trafficking at the grass-roots level; and launch widespread campaigns to raise public awareness on that issue, using media outlets, to promote a common understanding of the phenomenon of trafficking and to encourage reporting from the general population.[44]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[45]

30. The Special Rapporteur on trafficking stated that, although the Employment Act set out minimum labour protection standards, it did not cover domestic work, which remained a largely unregulated sector. She underscored that, while inspectors were given a mandate to inspect businesses, they could not inspect homes, even in cases in which they had reasonable suspicion.[46] UNHCR recommended that the Bahamas amend the Employment Act in order to provide protection for domestic workers in accordance with international legal standards.[47]

31. The Special Rapporteur indicated that labour inspectors were unable to inspect and monitor companies to ensure compliance with labour standards, including, importantly, to assist in the identification of trafficked persons and potential victims of trafficking, because they had insufficient human capacity and a limited mandate.[48]

32. The ILO Committee of Experts expressed hope that the Industrial Relations Act would be amended so as to formally recognize the right of prison staff to organize, and requested the Government to, inter alia, take the necessary measures to amend section 8 (1) (e) of the Act so as to ensure that broad discretionary power is no longer conferred upon the Registrar in relation to the registration of trade unions or employers' organizations. It expressed hope that specific measures would be taken to amend section 20 (2) of the Act with a view to ensuring that trade unions could conduct ballots without interference from the authorities.[49]

2. Right to education[50]

33. UNESCO stated that the Constitution included human rights guarantees — including the basic principles of equality and non-discrimination — but not the right to education.[51]

34. UNESCO asserted that since the previous cycle of the universal periodic review, the Bahamas had been engaged in a process of legislative reform touching upon human rights and education. It welcomed such efforts and stated that they should be pursued, in accordance with international standards on education.[52]

35. UNESCO stated that, given that the Education Act, 1962, had not been revised since 1996, revising it with a view to bringing it into line with the needs of the country and the new 2030 priorities was a positive step that should be encouraged.[53]

36. UNESCO encouraged the Bahamas to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expressions and, as such, were conducive to implementing the right to take part in cultural life.[54] In doing so,

UNESCO encouraged the Bahamas to give due consideration to the participation of communities, practitioners, cultural actors, non-governmental organizations from civil society and vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities were given to women and girls to address gender disparities.[55]

D. Rights of specific persons or groups

1. Children[56]

37. In the framework of the revision of the Education Act, 1962, UNESCO recommended that the Bahamas take additional steps towards harmonizing the minimum school-leaving age (16 years) and the minimum age for work (14 years).[57] UNESCO underscored that making the necessary legal amendments to the Employment Act would be essential in harmonizing national legislation and creating a supportive legal environment to achieve Goal 4 (quality education) of the Sustainable Development Goals.[58]

38. The ILO Committee of Experts urged the Government to take, without delay, the measures necessary to bring national legislation into line with its Minimum Age Convention, 1973 (No. 138) by defining the light work that might be undertaken by children aged 12 or older and the conditions in which such employment or work might be undertaken by them.[59]

39. The ILO Committee of Experts requested the Government to take the necessary measures without delay to ensure the prohibition of the use, procurement or offer of a child under the age of 18 for illicit activities, including the production and trafficking of drugs, and to adopt appropriate penalties.[60] It requested that the Government take the necessary measures to ensure the effective implementation of the Trafficking in Persons (Prevention and Suppression) Act, 2008, in particular by ensuring that persons who engaged in the sale and trafficking of children were thoroughly investigated and robustly prosecuted and that sufficiently effective and dissuasive penalties were imposed in practice.[61]

2. Persons with disabilities[62]

40. UNESCO stated that, in 2014, the Bahamas had adopted the Persons with Disabilities (Equal Opportunities) Act, which provided for the integration of persons with disabilities in schools and placed the responsibility to establish and maintain an integrated system of special education for persons with disabilities upon the Ministry of Education. It asserted that legal and policy provisions should promote an inclusive environment for the education of persons with disabilities and provide them with educational opportunities in the mainstream education system, as far as possible.[63]

41. UNESCO said that there were considerable discrepancies between the 2011 bill and the Act adopted in 2014. While the bill had set out detailed provisions regarding the right to education for persons with disabilities, the final Act did not include such provisions and shifted away from a rights-based and inclusive approach. Education was now addressed in a different chapter than the one dedicated to the rights of persons with disabilities and was never referred to as a right. The Bahamas should be invited to address this issue and to consider adopting stronger legal provisions guaranteeing, without discrimination, the right to education of persons with disabilities and promoting inclusive education.[64]

42. UNESCO recommended that the Bahamas consider amending the Persons with Disabilities (Equal Opportunities) Act, adopting an inclusive and rights-based approach for the education of persons with disabilities, recognizing their right to education and encouraging their inclusion in the mainstream education system.[65]

43. UNESCO indicated that, although the Bahamas had mentioned a draft bill on inclusion in education during the interactive dialogue of the previous cycle of the universal periodic review, to the best of its knowledge that bill had not been adopted yet. The Bahamas could be encouraged to accelerate the adoption of that bill, in accordance with international standards on education.[66]

44. UNESCO recommended that the Bahamas be strongly encouraged to submit State reports for the periodic consultations of UNESCO on education-related, standard-setting instruments.[67]

3. Minorities and indigenous peoples[68]

45. UNHCR indicated that, among the population of Haitian descent in the Bahamas, which constituted the largest ethnic minority in the islands, significant barriers to acquiring civil registration documents from Haiti to support a claim for Haitian nationality, juxtaposed with the lack of access to Bahamian citizenship until the age of 18, left the population of Haitian descent at a distinct risk of statelessness. Without nationality documents, they also faced threats of detention or deportation, and had difficulty accessing education and health care, opening bank accounts and acquiring legal employment.[69]

4. Migrants, refugees, asylum seekers and internally displaced persons[70]

46. UNHCR indicated that, while the majority originated from within the Caribbean region, an increasing number of irregular migrants were coming from outside the Americas. That made identifying persons in need of protection — including refugees and stateless persons, as well as victims of human trafficking and other vulnerable groups, such as unaccompanied minors — particularly challenging.[71]

47. The Special Rapporteur on trafficking stated that the smuggling of migrants had reportedly led to serious human rights abuses, including ill-treatment on board overcrowded boats, rape, and food and water deprivation; some people had been left with no choice but to jump into the sea and swim to the shores or drown. Such smuggling was of serious concern, as it could be a gateway to trafficking in persons for the purpose of labour exploitation.[72]

48. The Special Rapporteur indicated that the growing demand for migrant domestic workers seemed to have favoured precarious working conditions for those workers who were undocumented, and that undocumented migrants from Haiti were known to constitute the largest share of domestic workers and reportedly often found themselves in positions of vulnerability and exploitation due to their immigration status.[73]

49. UNHCR underscored the steps that had been taken to establish the Refugee Administration Unit (under the Department of Immigration) and the Migration Task Force (under the auspices of the Office of the Attorney General), both of which sought to address refugee issues.[74] It also highlighted the changes that had taken place at the Carmichael Road Detention Centre and the improvements in access to medical assistance for detainees.[75]

50. The Special Rapporteur on trafficking asserted that the system in place did not provide safeguards to ensure that migrant workers brought into the country on domestic work permits did not fall into situations of grave exploitation. More worrisome was the fact that the Employment Act, 2001, did not provide for the protection of domestic workers. The small number of labour inspectors in the Bahamas did not allow for the prevention, identification or protection of potential victims of trafficking in situations of labour exploitation.[76]

51. UNHCR underscored that the Bahamas had not enacted asylum or refugee legislation, nor was there any policy or regulatory framework to implement its obligations under the 1951 Convention relating to the Status of Refugees. In the absence of an asylum system established under domestic law or policy, asylum seekers and refugees were managed by the Government on an ad hoc basis.[77] The Special Rapporteur on trafficking underscored that the Government did not provide access to judicial remedies.[78]

52. UNHCR indicated that, in the absence of a legal framework for asylum, there was a need to strengthen guarantees against refoulement.[79] UNHCR stated that protection-sensitive screening and referral mechanisms were crucial in systematically identifying persons in need of international protection and protecting them against refoulement in the routine course of repatriating individuals intercepted at sea.[80]

53. UNHCR asserted that, even in the absence of refugee legislation, the Bahamas should be strongly encouraged to formalize the mandate and authority of the Refugee

Administration Unit, adopt procedures for the identification and referral of asylum seekers and train government officials on these procedures. By formalizing its asylum procedures and taking steps to systematically identify, register and assess the claims and protect the rights of persons in need of international protection, the Bahamas would be implementing a recommendation made during the second cycle of the universal periodic review.[81]

54. UNHCR recommended that the Government: develop, enact and implement refugee legislation in accordance with international standards to ensure fair and efficient procedures for conducting refugee status determination, including appeals, as well as respect for the rights of recognized refugees, so as to guarantee the rights of all asylum seekers and refugees; facilitate full and open access to asylum procedures for persons who have expressed a fear of return to their country of origin, thus ensuring respect for the principle of non-refoulement; and respect the principle of confidentiality with regard to the identity and claims of asylum seekers and refugees.[82]

55. The Special Rapporteur on trafficking recalled that the Immigration Act, 1967, contained provisions on the entry, residence, transit and exit of migrants, and also criminalized violations related to immigration status. She stated that any foreign national apprehended in the country after having irregularly crossed the border was subject to detention and removal.[83] She noted with deep concern that children had been detained with their mothers for lack of alternative facilities and measures to cater to that population of undocumented migrants, in violation of all relevant international human rights and humanitarian norms. That was all the more alarming since, according to the International Organization for Migration, the majority of persons entering the Bahamas were Haitian children under the age of 14.[84]

56. The Special Rapporteur noted the poor implementation of screenings to identify victims of trafficking and to detect persons in need of humanitarian protection.[85]

57. The Special Rapporteur asserted that Freeport did not have a facility to host irregular migrants, despite the large numbers of undocumented migrants apprehended at that location. The Government had informed the Special Rapporteur that immigration officers and law enforcement officers on the island of Grand Bahama needed to receive more training in identifying and assisting individuals in need of international protection, as capacity-building efforts had been mainly concentrated in Nassau.[86]

58. The Special Rapporteur warned that restrictive immigration policies further endangered vulnerable persons, who were put at risk of further violation and victimization if not properly identified by law enforcement officers.[87]

59. The Special Rapporteur welcomed initiatives such as steps to provide permanent residency for several long-term recognized refugees.[88]

60. The Special Rapporteur received information on the alleged involvement of law enforcement officials in migrant smuggling operations, especially those involving boats transporting Haitians with the complicity of Bahamian nationals. The Special Rapporteur expressed concern that if such allegations were not properly investigated and action taken accordingly, it might hamper the effective identification of trafficked persons and result in the distrust of law enforcement officers by trafficked persons.[89]

61. The Special Rapporteur indicated that the national legal framework did not provide victims of trafficking with the option of seeking permanent residence in the Bahamas if they so wished and that such provisions were important for those victims who could not return to their community of origin because it would not be in their best interests or because it might put them at further risk of being trafficked again or facing reprisals.[90]

62. The Special Rapporteur recommended that the Bahamas develop and review existing safe migration pathways for seasonal or temporary workers, bearing in mind that the country needed foreign workers.[91]

63. The Special Rapporteur recommended that the Bahamas maintain close cooperation with the International Organization for Migration and UNHCR for the safe return of trafficked victims to their country of origin, having due regard to the need, if any, for international protection of the victims and the application of the principle of non-

refoulement, and establish a fund that would provide for a comprehensive national compensation scheme for victims of trafficking.[92]

5. Stateless persons[93]

64. UNHCR stated that the Constitution made different provisions for how Bahamian men and women transmitted citizenship to a child born abroad or to a foreign spouse. The Bahamas was therefore one of two countries in the Western hemisphere that discriminated on the basis of gender in its nationality laws. Statelessness might arise in several instances as a result of this, including: where a Bahamian woman was unable to transmit her citizenship to a child born abroad, and the father was either stateless, missing or had limited possibilities to transmit his citizenship; where a Bahamian woman was married to a foreign man, she was unable to transmit her nationality to him on the same basis as a Bahamian man, and as such, if the foreign spouse was stateless, he would remain without citizenship; and where an unmarried Bahamian man had a child outside of wedlock with a non-Bahamian woman, even if born in the Bahamas, the child would not automatically acquire Bahamian citizenship. Therefore, unless the child acquired citizenship from his or her mother, the child would be stateless.[94]

65. UNHCR indicated that the Constitution and the Nationality Law, 1973, also lacked legal safeguards to prevent statelessness from occurring among children born in the territory who were otherwise stateless.[95] It acknowledged that, on 7 June 2016, Bahamians voted "no" to a government-endorsed constitutional referendum that would have amended the nationality laws to grant equal rights to Bahamian men and women to transmit nationality to their children and spouses. Despite that setback, UNHCR encouraged the Bahamas to continue its efforts to ensure gender equality in citizenship matters.[96]

66. UNHCR recommended that the Bahamas, inter alia: amend the Constitution to introduce a safeguard against statelessness in the case of foundlings and children born in the territory of the Bahamas who would otherwise be stateless; continue the dialogue on constitutional reform to ensure gender equality in transmitting Bahamian citizenship, in accordance with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women; develop, in conjunction with UNHCR, special facilitated naturalization proceedings that were distinct from normal naturalization procedures, and have as their main objective guaranteeing citizenship for those identified as stateless persons; and introduce a statelessness determination procedure to identify stateless persons and afford them protection within the Bahamas.[97]

67. The Special Rapporteur on trafficking indicated that the Bahamas was not a party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness and expressed concern about that since migrant populations in the Bahamas included a complex mix of economic migrants, asylum seekers and refugees, victims of trafficking and other individuals in need of international protection, such as undocumented and unaccompanied minors and people of undetermined nationality.[98]

68. The Special Rapporteur underscored that, in many cases, children born of undocumented Haitian migrants in the Bahamas were reported to reach the age of majority without ever being registered or able to receive residency or citizenship in the Bahamas, despite the fact that the Constitution provides that persons of foreign parents born in the Bahamas could apply for citizenship when they reach the age of 18. Those children were therefore de facto at risk of statelessness.[99]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Bahamas will be available at www.ohchr.org/EN/Countries/LACRegion/Pages/BSIndex.aspx.

[2] For relevant recommendations, see A/HRC/23/8, paras. 92.1-92.10, 92.12-92.17, 92.21-92.26 and 92.68.

[3] UNESCO submission for the universal periodic report of the Bahamas, p. 5.

[4] UNHCR submission on the universal periodic review of the Bahamas, p. 6. See also A/HRC/26/37/Add.5, para. 86.
[5] See A/HRC/26/37/Add.5, para. 86.
[6] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3185749,103215,Bahamas,2014.
[7] See A/HRC/26/37/Add.5, para. 86.
[8] For the relevant recommendations, see A/HRC/23/8, paras. 92.76-92.84.
[9] UNESCO submission, p. 2.
[10] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3252885,103215,Bahamas,2015.
[11] For the relevant recommendations, see A/HRC/23/8, paras. 92.37 and 92.45-92.52.
[12] UNHCR submission, p. 3.
[13] Ibid., pp. 3-4.
[14] UNESCO submission, p. 3.
[15] Ibid., p. 6.
[16] For the relevant recommendations, see A/HRC/23/8, paras. 92.54-92.55, 92.69 and 92.74-92.75.
[17] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3302277,103215,Bahamas,2016.
[18] For the relevant recommendations, see A/HRC/23/8, paras. 92.29, 92.33 and 92.84.
[19] UNESCO submission, p. 3.
[20] Ibid., p. 6.
[21] Ibid., pp. 2-3.
[22] Ibid., p. 3.
[23] Ibid., p. 6.
[24] UNHCR submission, p. 4.
[25] For the relevant recommendations, see A/HRC/23/8, paras. 92.70-92.73.
[26] See A/HRC/26/37/Add.5, para. 4.
[27] Ibid., para. 5.
[28] Ibid., para. 11.
[29] Ibid., paras. 15 and 19.
[30] Ibid., para. 19.
[31] Ibid., para. 30.
[32] Ibid., para. 88.
[33] Ibid., para. 34.
[34] Ibid., para. 40.
[35] Ibid., para. 87.
[36] Ibid., para. 58.
[37] Ibid., para. 90.
[38] Ibid., para. 80.
[39] Ibid., para. 87.
[40] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3185749,103215,Bahamas,2014.
[41] See A/HRC/26/37/Add.5, paras. 78 and 83.
[42] Ibid., para. 89.
[43] Ibid., para. 84.
[44] Ibid., para. 91.
[45] For the relevant recommendations, see A/HRC/23/8, paras. 92.33 and 92.86.
[46] See A/HRC/26/37/Add.5, para. 20.
[47] Ibid., para. 87.
[48] Ibid., para. 82.
[49] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3148715,103215,Bahamas,2013.
[50] For the relevant recommendations, see A/HRC/23/8, paras. 92.88-92.90.
[51] UNESCO submission, p. 2.
[52] Ibid., p. 4.
[53] Ibid.
[54] Ibid., p. 6.
[55] Ibid.

[56] For the relevant recommendations, see A/HRC/23/8, paras. 92.28, 92.63-92.67 and 92.69.
[57] UNESCO submission, pp. 4-5.
[58] Ibid., p. 4.
[59] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3280310,103215,Bahamas,2016.
[60] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3280795,103215,Bahamas,2016.
[61] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3280795,103215,Bahamas,2016.
[62] For the relevant recommendations, see A/HRC/23/8, paras. 92.11, 92.86 and 92.91.
[63] UNESCO submission, p. 5; also UNESCO submission, p. 2.
[64] Ibid., p. 5.
[65] Ibid., pp. 5-6.
[66] Ibid., p. 5.
[67] Ibid., p. 6.
[68] For the relevant recommendations, see A/HRC/23/8, paras. 92.37, 92.77, 92.79 and 92.96.
[69] UNHCR submission, p. 5.
[70] For the relevant recommendations, see A/HRC/23/8, paras. 92.92-92.98.
[71] UNHCR submission, p. 1.
[72] See A/HRC/26/37/Add.5, para. 7.
[73] Ibid., para. 8.
[74] UNHCR submission, p. 1.
[75] Ibid., pp. 1-2.
[76] See A/HRC/26/37/Add.5, para. 9.
[77] UNHCR submission, p. 1. See also A/HRC/26/37/Add.5, para. 13.
[78] See A/HRC/26/37/Add.5, para. 13.
[79] UNHCR submission, p. 1.
[80] Ibid., p. 2.
[81] Ibid., p. 3. See also A/HRC/23/8, para. 92.98.
[82] Ibid.
[83] See A/HRC/26/37/Add.5, para. 21.
[84] Ibid., para. 23.
[85] Ibid., para. 25.
[86] Ibid., para. 26.
[87] Ibid., para. 27.
[88] Ibid., para. 28.
[89] Ibid., para. 41.
[90] Ibid., para. 49.
[91] Ibid., paras. 69 and 86.
[92] Ibid., para. 89.
[93] For the relevant recommendations, see A/HRC/23/8, para. 92.94.
[94] UNHCR submission, p. 4.
[95] Ibid.
[96] Ibid., p. 5.
[97] Ibid., p. 6.
[98] See A/HRC/26/37/Add.5, para. 13.
[99] Ibid.

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Summary of Stakeholders' submissions on Bahamas*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review (UPR). It is a summary of four stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. JS1 stated that during the 2013-UPR, many countries recommended that the Bahamas ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment or its Optional Protocol. It underscored that the Bahamas had stated it would consider ratifying these treaties, but that it had not yet done so.[4]

3. JS1 stated that during the 2013-UPR, many countries recommended that the Bahamas sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with a view toward abolishing death penalty.[5]

4. JS2 recommended that the Bahamas accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on to Reduction of Statelessness.[6]

* The present document was not edited before being sent to United Nations translation services.

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5. JS2 underscored that while the Bahamas had been a State party to the Convention on the Elimination of all forms of Discrimination against Women since 1993, it maintained reservations to both Article 2(a) and Article 9 of the Convention.[7] JS2 recommended that The Bahamas remove all reservations to the Convention on the Elimination of All Forms of Discrimination against Women and sign the Optional Protocol to the Convention.[8]

6. JS2 asserted the Bahamas had also entered a reservation to Article 2 of the Convention on the Rights of the Child, which is the general anti-discrimination clause of the Convention, which obligates States to ensure every child's enjoyment of all rights set forth in the Convention, without discrimination of any kind, including on grounds of sex, both of the child and of the child's parents or guardians. Hence, this reservation was clearly aimed at preserving gender discrimination in the Bahamas' nationality laws.[9] JS2 recommended that the Bahamas remove this reservation.[10]

B. National human rights framework[11]

7. JS1 indicated that the Constitutional Reform Commission directly addressed several of the issues raised in the 2013-UPR, including recommendations for constitutional amendments to protect human rights. The Government made amendments adopting some of these recommendations, particularly those regarding discrimination.[12]

8. JS1 asserted that since 2013, the Bahamas had taken action to implement a number of UPR recommendations, although not those related to the death penalty.[13]

9. JS2 stated that the maintenance of nationality laws which discriminated on the basis of gender were themselves in conflict with the object and purpose of the Convention on the Elimination of all forms of Discrimination against Women and with the general obligation of all State parties to agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women.[14]

10. JS2 recommended that the Bahamas accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on to Reduction of Statelessness to ensure the development of legislation and regulations which ensure every child's right to a nationality and that no child is born Stateless on The Bahamas.[15]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[16]

11. JS2 explained that according to the Constitution of the Bahamas, a married Bahamian father who was born after independence (in 1973) could confer nationality on his children regardless of the child's or father's place of birth. However, clause 3(2) of the Bahamian Constitution stipulated that a Bahamian male, born abroad prior to independence acquires Bahamian citizenship through his father but could not readily pass on his citizenship to his offspring.[17] According to the Constitution, an unmarried Bahamian father was denied the right to confer his nationality on his children, a right reserved for unmarried mothers.[18]

12. JS2 concluded that while unmarried Bahamian women and married men born after 1973 could automatically pass on their nationality to their children born abroad, married women, unmarried men and men born before 1973 cannot. This situation amounted to discrimination on the basis of the parents' gender and marital status.[19]

13. JS2 expressed also that the Bahamas Nationality Act denied Bahamian women the right to confer their nationality on children in the case of joint adoption, while Bahamian men were permitted to confer their nationality on adopted children in all circumstances.[20] Bahamian women were also denied the right to confer their nationality on foreign spouses, a right that was reserved for men in Article 10 of the Constitution of the Bahamas.[21]

14. JS2 communicated that on June 7, 2016 a Constitutional referendum, which put to public vote the question of eliminating discrimination on the basis of sex in terms of nationality rights and endorsing the principle of equality between women and men in the Bahamian Constitution, failed to secure a majority of votes. Due to the referendum's failure, the Bahamas remained a country that still denied mothers the right to confer nationality on their children on an equal basis with men and denied unmarried fathers the right to confer nationality on children.[22] JS2 expressed that while recognising efforts undertaken to facilitate the amendment of the Bahamian Constitution and its nationality laws, the failed 2016 referendum did not preclude the Bahamian Government from fulfilling its obligations, as a State party to several international human rights Conventions including CEDAW, CRC, and the ICCPR, to uphold equal nationality rights for women and men.[23]

15. JS2 underscored that despite the failure to pass the Constitutional Reform by which the State had committed to advance gender equal nationality rights, the State was obliged to continue to take further action to ensure the equal nationality rights of women and men, in accordance with its international obligations.[24]

16. JS2 considered that gender discrimination in nationality laws could result in significant violations of the rights of women, men and children, including: statelessness; lack of access to public education, healthcare and other services; increased risk of gender-based violence; unemployment and poverty; social alienation; and psychological damage. Gender discrimination in nationality laws also contributed to women's unequal status in society and within the family, and may result in the separation of family members.[25]

17. JS2 recommended that the Bahamas remove all remaining gender discriminatory provisions in the Constitution and Nationality Act in order to enshrine: married and unmarried women's ability to confer nationality on children and spouses on an equal basis with married and unmarried men; and the ability of men and women to confer nationality on children on an equal basis regardless of their sex, marital status, or pre-Independence birth outside of the country.[26]

2. Civil and political rights

Right to life, liberty and security of person[27]

18. JS1 indicated that the Bahamas had taken significant steps toward recognizing and protecting particular rights, but it has a great number of opportunities to better protect the human rights of its people, including by abolishing the death penalty.[28]

19. JS1 explained that the imposition of the death penalty in the Bahamas was no longer mandatory following the Judicial Committee of the Privy Council's decision in Bowe v. The Queen.[29] JS1 recalled that during the 2013 UPR review, many countries commended the Bahamas for its de facto moratorium on the death penalty and further requested that the Bahamas consider instituting a formal moratorium.[30] JS1 recommended that the Bahamas impose an official de jure moratorium on the death penalty. The Bahamas should impose a country-wide moratorium on the death penalty that immediately halts all sentences and executions, with a view toward complete abolition of the death penalty.[31]

20. JS1 stated that in 2012, the Prime Minister of the Commonwealth of the Bahamas appointed a second Constitutional Reform Commission to review the Constitution, gather

public feedback on several thematic issues, including the death penalty and make recommendations. In July of 2013, the Constitutional Reform Commission published a report of its recommendations, including retention of the death penalty. The Commission recommended a Constitutional amendment to ensure that the Executive would be able to carry out a prescribed death penalty.[32]

21. JS1 asserted that despite the Bahamian's Government and the Constitutional Reform Commission's consistent references to public support of the death penalty, it appeared that little had been done in the Bahamas since the 2013 UPR to promote and increase opportunities for public and open debates on the death penalty.[33] JS1 recommended that the Bahamas collaborate with abolitionist civil society organizations in the region to conduct a comprehensive public awareness-raising campaign to educate the public about international human rights standards and alternatives to the death penalty.[34] As the Bahamas cited public support for the death penalty as the primary obstacle to a formal moratorium, the country should undertake a public education campaign about human rights and alternatives to the death penalty in order to move the country closer to full abolition.[35]

22. JS1 warned that Government officials could use the country's increasing crime rate as a pretext for resuming executions, as crime was a significant problem in the Bahamas, and thus there was a serious threat that executions would resume in the Bahamas in the future.[36] JS1 recommended that the Bahamas abolish the death penalty and replace it with a sentence that was fair, proportionate and respects international human rights standards.[37]

23. JS1 asserted that public support—among politicians and private individuals—for the death penalty made it impossible to predict how the death penalty would be applied if the de facto moratorium were lifted. It was unclear whether the criminal justice system provided people accused of death-eligible crimes with a judicial process that complied with all minimum international safeguards—that is, those standards which are intended to prevent the arbitrary deprivation of life.[38]

24. JS1 stated that despite the country's stated practice of using the death penalty to punish only the "worst of the worst" crimes, the Bahamas did not follow the requirements dictated in Article 6(2) of the International Covenant on Civil and Political Rights, that the death penalty be imposed for only "the most serious crimes."[39] JS1 explained that the country allowed a death sentence for crimes which result in death, regardless of intent. Further, treason, defined as even the act of imagining or intending treason, was eligible for the death penalty.[40]

Administration of justice, including impunity and the rule of law[41]

25. JS1 referred to a number of problems in the judicial system in the Bahamas, including heavy caseloads, insufficient protection for witnesses, high levels of crime, weak forensic capacities, crime lab delays in processing evidence and lack of mental health assessments for the accused, could easily contribute to a miscarriage of justice in a capital case.[42] Additionally, in the early stages of proceedings, legal counsel was available only at the accused's expense, leaving a critical gap in legal defence.[43] JS1 recommended that the Bahamas ensure that all defendants have access to adequate and timely legal counsel immediately on arrest and throughout all subsequent criminal proceedings.[44]

26. JS1 indicated that procedural concerns regarding the right to a fair trial and access to appeals also impeded the Bahamian judicial system. In practice, many problems plagued the judicial system in the Bahamas, including heavy caseloads, insufficient protection for witnesses, high levels of crime, weak forensic capacities, crime lab delays in processing evidence and lack of mental health assessments for the accused.[45]

27. JS1 stated that the Bahamas Constitution allowed for accused persons to have access to counsel at all phases of criminal proceedings. For any person charged with a criminal

offense, the Constitution also guaranteed a fair hearing within a reasonable time by an independent and impartial court established by law. Nonetheless, in practice defendants were often left without access to legal aid if they could not afford it themselves, particularly in the early phases of the criminal proceedings.[46]

3. Economic, social and cultural rights

Right to health[47]

28. ADF stated that although medical infrastructure in the Bahamas was of a relatively high standard, it was still not of the same quality as more developed countries, and access to quality health-care services was less available in remote and poor areas.[48]

4. Rights of specific persons or groups

Women[49]

29. JS2 recalled that during the first Universal Periodic Reviews, several States encouraged The Bahamas to take steps to address discrimination against women and to withdraw reservations to the Convention on the Elimination of All Forms of Discrimination against Women, while five recommendations during the Second Cycle of the UPR[50] directly addressed the issue of gender discrimination in the nationality law of the Bahamas.[51] JS2 stated that the Bahamas had agreed to consider these recommendations, noting that the issue was presently before the Constitutional Reform Commission.[52]

30. JS2 indicated that of the 2015 Strategic Plan to Address Gender-Based Violence, and the previous Progressive Liberal Party's (PLP) "YES" campaign to encourage Bahamian voters in the failed 2016 Constitutional Referendum to vote yes to removing gender discriminatory provisions from Bahamian nationality law, the Bahamian Government had largely failed to follow through with the majority of recommendations that it "accepted" during the previous cycle of the UPR.[53] JS2 asserted that for example, the Bahamas had not ratified the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women and had not implemented a comprehensive strategy (or National Action Plan) to eliminate gender-based stereotypes.[54] JS2 also indicated that the current administration had not demonstrated a commitment to strengthening gender equality and eradicating gender discriminatory practices, but was rather seeking to promote urban renewal initiatives within the Department's purview.[55]

31. JS2 considered that by denying married women the equal rights to confer nationality on children born outside the country, adopted children, and spouses, The Bahamas's Constitution and Nationality Act violated women's nationality rights and international human rights standards.[56]

32. JS2 explained that while women's inability to equally confer citizenship on children and spouses was particularly relevant to the Convention on the Elimination of all forms of Discrimination against Women, the nationality law's discrimination against single fathers was also pertinent to the perpetuation of discrimination against women, in particular its impact on traditional stereotypes that negatively impacted women. By denying single fathers the right to confer nationality on children on an equal basis with single mothers, the State was implicitly endorsing and reinforcing the notion that the responsibilities of parenting 'naturally' belonged exclusively to the mother. This was contrary to the idea of equality between the sexes, and undermined women's equality in professional, public and cultural life.[57]

33. JS2 indicated that the Bahamian electorate's rejection of the insertion of "sex" into the Constitution as a prohibited ground for discrimination at the failed Constitutional

Referendum posed a significant threat to equality. The fact that the highest law in the land did not prohibit discrimination based upon sex was likely to be a contributing factor in fomenting a culture where women were not considered equal to their male counterparts. The inequality bred by the lack of this provision was likely related to the high incidence of violence against women that was found in Bahamian society."[79]

34. ADF indicated that every maternal death was a tragedy, as it devastated the woman's family, in particular the woman's children, and affected the entire community socially and economically. It considered that the high number of maternal deaths in the Bahamas was a pressing and urgent human rights concern.[80] ADF asserted that although most women in the Bahamas received some level of prenatal care during their pregnancies, it was estimated by the United Nations Children's Emergency Fund in 2012 that over 15% did not receive even the minimum of four visits recommended by the World Health Organization.[81]

35. ADF considered that given the maternal health crisis in the Bahamas, resources should focus on improving conditions for pregnant women, women undergoing childbirth and postpartum women.[82] ADF recommended, inter alia, improving health care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health. It recommended that the Bahamas focus on safely getting mothers and babies through pregnancy and childbirth, with special attention paid to improving health-care access for women from poor and/or rural backgrounds. It also recommended that the Bahamas review sex education programs to ensure that they are age-appropriate.[83]

Children[84]

36. GIEACPC stated that since the second cycle review in 2013, the Prisons Act 1943 that provided for corporal punishment as a disciplinary measure in penal institutions was repealed by the Correctional Services Act 2014, which did not however repeal other legislation authorising corporal punishment in this setting or explicitly prohibit its use. The Early Childhood Care (National Standards) Regulations were also enacted in 2015 and prohibited the use of corporal punishment in day care centres and pre-schools. It asserted that corporal punishment was still lawful in every other setting of children's lives.[85]

37. GIEACPC indicated that in the Bahamas, corporal punishment appeared to be unlawful in penal institutions, but it was not fully prohibited in the home, in all forms of alternative care and day care settings, in schools and as a sentence for a crime.[86] It stated that in the Bahamas, corporal punishment was then lawful, despite recommendations to prohibit it by the Committee on the Rights of the Child and during the second cycle UPR of the Bahamas in 2013.[87] It expressed its hope that states will raise this issue during the UPR of 2018 and make a specific recommendation that the Bahamas clearly prohibit all corporal punishment of children, however light, in every setting of their lives including the home and as a sentence of the courts.[88]

38. JS2 emphasized that gender discrimination in the Constitution and nationality law of The Bahamas resulted in violations of every child's right to acquire and retain a nationality.[89] Bahamian law was contrary to provisions of the Convention on the Rights of the Child, as children's ability to acquire the nationality of their Bahamian mother or father was dependent upon the parent's gender and marital status. The denial of the child's right to a nationality due to discrimination against their parents on the bases of sex, marital status, or other grounds, was a violation of the Convention on the Rights of the Child. In addition, Bahamian women's inability to confer nationality on their foreign spouses threatened a child's right to know and be cared for by his or her parents, and infringed upon a child's right to family unit.[90] JS2 recommended that the Bahamas take steps to ensure that all children and adults who have been denied access to Bahamian citizenship due to gender

discriminatory nationality laws, are granted nationality and in the interim, that they fully enjoy their other human rights on a non-discriminatory and equal basis.[70]

39. JS2 underscored that children denied Bahamian nationality due to gender discrimination in the nationality laws may also suffer from violations of their right to healthcare and to education and expressed that human rights of equal protection under the law and non-discrimination on the basis of sex were not legitimately subject to majority opinion, but must be upheld by the State.[71]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	Alliance Defending Freedom International (Geneva), Switzerland;
GIEACPC	Global Initiative to End all forms of Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland).

Joint submissions:

JS1	**Joint submission 1 submitted by**: The Advocates for Human Rights, The Greater Caribbean for Life and The world Coalition against the Death Penalty;
JS2	**Joint submission 2 submitted by**: Global Campaign for Equal Nationality Rights and Institute on the Statelessness and inclusion (ISI).

[2] The following abbreviations are used in UPR documents:

ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
CRC	Convention on the Rights of the Child;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD.

[3] For relevant recommendations, see A/HRC/23/8, paras. 92.1-92.10, 92.12-92.17, 92.21-92.26, and 92.68.

[4] JS1, p. 1.

[5] JS1, p. 5.

[6] JS2, p. 9.

[7] JS2, p. 3.

[8] JS2, p. 9.

[9] JS2, p. 4.

[10] JS2, p. 9.

[11] For relevant recommendations, see A/HRC/23/8, paras. 92.19, 92.20, 92.29, 92.30, 92.35-92.37.

[12] JS1, pp. 1 and 2.

[13] JS1, p. 1.

[14] JS2, p. 4.

[15] JS2, p. 9.

[16] For relevant recommendations, A/HRC/23/8, paras. 92.76-92.84.

[17] JS2, p. 4.

[18] JS2, p. 5.

[19] JS2, p. 5.

[20] JS2, p. 5.
[21] JS2, p. 5.
[22] JS2, p. 5.
[23] JS2, pp. 5 and 6.
[24] JS2, p. 3.
[25] JS2, p. 8.
[26] JS2, p. 9.
[27] For relevant recommendations, see A/HRC/23/8, paras. 92.37 and 92.45-92.52.
[28] JS1, p. 3.
[29] JS1, p. 2.
[30] JS1, p. 1.
[31] JS1, p. 5.
[32] JS1, p. 3.
[33] JS1, p. 4.
[34] JS1, p. 4.
[35] JS1, p. 5.
[36] JS1, p. 4.
[37] JS1, p. 5.
[38] JS1, pp. 2 and 3.
[39] JS1, p. 4.
[40] JS1, p. 4.
[41] For relevant recommendations, A/HRC/23/8, paras.92.54, 92.55, 92.69, 92.74 and 92.75.
[42] JS1, p. 4.
[43] JS1, p. 4.
[44] JS1, p. 5.
[45] JS1, p. 4.
[46] JS1, p. 2.
[47] For relevant recommendations, A/HRC/23/8, paras.92.85 and 92.87.
[48] ADF, p. 3.
[49] For relevant recommendations, A/HRC/23/8, paras 92.31-92-34, 92.38-92.43, and 92.56-92.62.
[50] Recommendations 92.39 (Paraguay), 92.40 (Peru), 92.41 (Slovakia), 92.42 (Thailand), 92.43 (Guatemala).
[51] JS2, p. 2.
[52] JS2, p. 2.
[53] JS2, p. 3.
[54] JS2, p. 3.
[55] JS2, p. 3.
[56] JS2, p. 6.
[57] JS2, p. 6.
[58] JS2, p. 8.
[59] ADF, p. 4.
[60] ADF, p. 4.
[61] ADF, p. 4.
[62] ADF, p. 6.
[63] For relevant recommendations, see A/HRC/23/8, paras. 92.28, 92.63-92.67 and 92.69.
[64] GIEACPC, p. 1.
[65] GIEACPC, p. 2.
[66] GIEACPC, p. 1.
[67] GIEACPC, p. 1.
[68] JS2, p. 7.
[69] JS2, p. 7.
[70] JS2, p. 9.
[71] JS2, p. 5.